THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19458 OF 2005

Dated 21st October 2005

Between:

M.Bala Chandar S/o.M.Polayya

…Petitioner

And

Union of India, rep. by its Secretary,

Medical & Health, New Delhi & others

…Respondents

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O R D E R:

The petitioner was selected for admission into I-year of BDS, in previous academic year. With a view to secure admission into
I-year of MBBS, he appeared in EAMCET for this year, and secured the rank 6928. He made claim against the seats reserved in favour of physically handicapped candidates. He filed a Medical Certificate issued by the authority, prescribed under G.O.Ms.No.109, Women's Development, Child Welfare & Labour Department, dated 15.6.1992, certifying that he suffers 50% of disability to his lower limbs. The petitioner was not selected in that category. Hence, this writ petition.

Sri Gade Venkateswara Rao, learned counsel for the petitioner, submits that once the competent authority prescribed by the Government had certified that the petitioner suffers disability up to 50%, to the lower limbs, the respondents were

under obligation to take the same into account, and to consider the case of the petitioner.

Sri D.Nagarjuna Babu, learned Standing Counsel for the third respondent, obtained instructions, at the stage of admission. He submits that the team of the doctors, constituted by the University for the purpose of verification of the claims of physically handicapped candidates, examined the petitioner and found that he did not suffer any handicap to the lower limbs, an that he is suffering from a problem to his spine. He contends that once the petitioner is not found to be a physically handicapped candidate, he cannot have any genuine grievance.

The Government reserved 3% of seats in favour of physically handicapped candidates. So far as the medical courses are concerned, the Government of India and Medical Council of India have decided to consider the cases of only those candidates, who have suffered handicap in the lower limbs, that too, between 50% to 70%. The petitioner claims that he suffers handicap to his lower limbs, to the extent of 50%. To that extent, he has filed a certificate also.

With a view to ensure objectivity and transparency in the admissions against this category, the University had constituted a Committee of Experts. On examination of the petitioner, the committee found that the problem suffered by the petitioner is to his spine, and not to the lower limbs. It is true that the authority prescribed by the Government had certified the petitioner to be suffering from handicap to the lower limbs. However, once a team of experts recorded a finding, this Court cannot substitute its opinion for the same.

For the foregoing reasons, this Court cannot grant any relief to the petitioner. The writ petition is accordingly dismissed. There shall be no order as to costs.

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21st October 2005

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